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16	[Additional counsel listed on signature page]	
17	UNITED STATES	DISTRICT COURT
18	FOR THE NORTHERN DI	STRICT OF CALIFORNIA
19	SAN FRANCIS	SCO DIVISION
20 21	IN RE: DA VINCI SURGICAL ROBOT ANTITRUST LITIGATION	Case No.: 3:21-cv- 03825-AMO-LB [PROPOSED] AMENDED OMNIBUS
22 23 24	THIS DOCUMENT RELATES TO: ALL ACTIONS	SEALING ORDER Judge: The Honorable Araceli Martínez-Olguín
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This Court, having considered the Parties' Motion to Amend Omnibus Sealing Order re: Class Certification Briefing, as well as the Omnibus Sealing Motion re: Class Certification Briefing, the statements and declarations filed in support of the motion, and the proposed order prepared for the Court, Dkt. 304, and the Amended Omnibus Sealing Motion re: Class Certification Briefing and the proposed amended order prepared for the Court, Dkt. 330, and all arguments by counsel, rules as follows:

The Court finds that compelling reasons exist to support the filing under seal of the documents or portions thereof listed as "granted" in the following chart and grants the requesting party's motion to seal these documents or portions thereof where they appear on the public docket. The Court denies the request to seal any documents or portions thereof either (1) listed as "denied" in the following chart or (2) filed under provisionally seal pursuant to Local Rule 79-5(f) because a Party or Third-Party designated the document or information as confidential or highly confidential under the protective order but which no Party or Third-Party sought to maintain under seal by filing a statement or declaration pursuant to Local Rule 79-5(f).

The Parties are directed to file new public-facing versions of any materials that were previously under seal within 7 days following the Court's order on the omnibus sealing motion.

Document or title or description	Dkt. of publicly- filed version	Dkt. of sealed version	Dkt. of decl. in support of sealing	Party seeking sealing	Sealing sought	Brief statement of reason for sealing (with citation to corresponding declaration in support of sealing)	Granted/ Denied (leave blank)
			Plaintif	fs' Sealing I	Requests		
Glubiak Dec. Ex. 6 – Mark Early Declaration	Dkt. 296.7	Dkt. 297.6	Early Decl., Dkt. 304.1	Larkin	Partial	The Early Class Declaration includes detailed information about confidential agreements between Larkin and Defendant Intuitive Surgical, Inc.; details about the negotiations that occurred between Larkin and Intuitive	GRANTED

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			Plaintiff	fs' Sealing I 	Requests	related to da Vinci	
						robot repair and replacement, and equipment lease agreements; and detailed information regarding Larkin's finances and monies paid to Intuitive.	
Widman Declaration in Support of Intuitive's Opposition to Class Certification	Dkt. 288.2	Dkt. 289.2	Early Decl., Dkt. 304.1	Larkin	Partial	This document provides details pertaining to confidential agreements and negotiations between Larkin and Intuitive.	GRANTED
Widman Declaration, Ex. 1	Dkt. 288.3	Dkt. 289.3	Early Decl., Dkt. 304.1	Larkin	Partial	This document provides details pertaining to confidential agreements and negotiations between Larkin and Intuitive.	GRANTED
Hospital Plaintiffs' Response to Defendant Intuitive Surgical, Inc.'s Objection to Certain Class Certification Reply Evidence	Dkt. 301-	Dkt. 300- 2; Dkt. 313	Early Decl., Dkt. 304.1	Larkin	Partial Pg. 5, lines 3-11	These portions of this document provide details pertaining to confidential agreements and negotiations between Larkin and Intuitive.	GRANTED

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Plaintiffs' Motion for Class Certification	Dkt. 267	Dkt. 268.1	Wong Dec., Dkt. 304.2	Intuitive	Pg. 10, redacted price on line 26 Pg. 17-18, redacted pricing policy and pricing figures on lines 17:27-18:24	See Wong Dec. ¶ 4, Omnibus Motion to Seal at Section III.A	GRANTED
Ex. 1 to the Declaration of Manuel J. Dominguez (Elhauge Class Report)	Dkt. 267.2	Dkt. 268.2	Wong Dec., Dkt. 304.2	Intuitive	Page 105, Figure 9 – Pricing Figures Page 110, n. 497 – Contract Prices Page 111, paragraph 219 and Figure 10 – Pricing figures Page 112, paragraph 220, Figure 11, and n. 504 – Pricing and Revenue Figures, Contract Prices Page 113, paragraph 221 – Gross margin figures Page 114, Figure 12, and paragraph 222 – Margin figures Page 115, Figure 13 – Margin figures Page 128, n.582 – Customer identities	See Wong Dec. ¶ 4, Omnibus Motion to Seal at Section III.A	GRANTED

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6						Page 148, ns. 677, 678, 680,		
						681, 683, 684 – Customer		
7						identities		
8						Page 160,		
9						paragraph 317 – Pricing figures		
10						Page 171,		
11						paragraph 340		
						and n.785 – Pricing figures		
12						Page 172,		
13						paragraph 341 –		
14						Pricing figures		
						Pages 173–74,		
15						paragraph 346 – Margin figures		
16						Page 174,		
17						paragraph 347 and ns. 805,		
18						808, 809 –		
						Margin figures		
19						Page 182,		
20						paragraph 368 – Customer		
21						identity		
22						Page 186, n.863 – Customer		
23						identities		
						Page 191,		
24						paragraph 393 – Pricing figures		
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26						Page 192, paragraph 394		
27						and ns. 888, 889 – Pricing		
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6							Page 198, paragraph 405 – Pricing figures		
7 8 9							Page 199, paragraph 406, n. 919, n. 920 – Pricing figures		
							Page 200,		
1011							paragraph 408, 409, and n. 927 – Margin		
12							figures		
13							Page 201, paragraph 411, and n. 935 –		
14							Pricing figures, Contract prices,		
15							Customer identities		
16 17							Page 212, n.974 – Customer identity		
18							Page 256,		
19							paragraph 521 – Customer identity		
20							Page 260,		
21							n.1203 –		
22							Customer identity		
23							Page 261, n.1205 –		
24							Customer identity		
25							Page 285,		
26							paragraph 587 – Pricing figures		
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						Page 287,		
6						paragraph 589 – Margin figures		
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8						Page 294, n.1366 – Cost		
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9						Page 296,		
10						n.1376 – Customer		
11						identity		
11						Page 300,		
12						n.1399 –		
13						Customer identity		
14						Page 302, paragraph 621 –		
15						Margin figures		
16						Page 303,		
						paragraph 625		
17						and 626 – Pricing figures		
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10						Page 304, paragraph 626		
19						and n. 1413 –		
20						Pricing figures		
21						Page 305, n.		
						1421– Pricing figures		
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23						Page 306, paragraph 632 –		
24						Pricing figures		
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25						3 – Pricing		
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27						Page 326, paragraph 669 –		
						Pricing figures		
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6 7						paragraph 669, 670, n. 1535, and n. 1536 – Pricing figures		
8 9						Page 328, paragraph 671		
10						and ns. 1543, 1544, 1545 – Margin figures		
11						Page 329, paragraph 672		
12 13						and n.1551 – Margin figures		
14						Page 331, n.1559 – Customer		
15						identities Page 351, n.		
1617						1649 – Customer		
18						identities Page 361,		
19						paragraph 744 – Margin figures		
2021						Page 362, paragraph 745 – Margin figures		
22						Page 403,		
23						paragraph 823 and n. 1865 –		
24						Pricing figures		
25						Page 421, paragraph 863 – Customer		
26						identity		
2728						Page 422, paragraph 865 and n.1935 –		

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6						Pricing figures and strategy		
7 8						Page 423, paragraph 867 – Pricing figures		
9						Page 424, paragraph 870 and n. 1958 –		
10						Pricing figures		
11 12						Page 425, paragraph 870, 871, 872, and n.		
13						1961, 1962 – Pricing figures and Customer		
14						identities		
15						Page 426, paragraph 873		
16						and ns. 1966, 1967, 1968 –		
17 18						Customer identities and Pricing strategy		
19						Page 433,		
20						paragraph 883 – Pricing figures		
21						Page 448, Table 20 – Pricing		
22						figures		
23						Page 452, Table 22 – Pricing		
24						figures		
25						Page 455, paragraph 915		
26						and 916 – Pricing figures,		
27						Specific customer		
28						identities and pricing figures		

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					Page 456, paragraph 916, 918, 2100, and n. 2102 – Pricing figures and specific customer identities and pricing Page 457, Figure 18 –		
					Pricing figures Page 458, Table 23 – Pricing figures		
Ex. 11 to the Declaration of Manuel J. Dominguez (Intuitive-00067540)	N/A	Dkt. 267.12	Wong Dec., Dkt. 304.2	Intuitive	This document was provisionally sealed, then refiled as Dkt. 270, pursuant to the Court's previous sealing motion at Dkt. 246.	See Wong Dec. ¶ 4, Omnibus Motion to Seal at Section III.A	GRANTED
Ex. 23 to the Declaration of Manuel J. Dominguez (Intuitive-00203904)	Dkt. 267.24	Dkt. 268.8	Wong Dec., Dkt. 304.2	Intuitive	Page 2 – Specific discount and pricing figures Page 3 – Pricing strategy, specific discount and pricing figures	See Wong Dec. ¶ 4, Omnibus Motion to Seal at Section III.A This document was previously partially sealed (see Wong Decl. at Dkt. No. 143-1)	GRANTED
Intuitive's Opposition to Class Certification	Dkt. 288	Dkt. 289.1	Wong Dec., Dkt. 304.2	Intuitive	Page 4, Line 21 – Pricing figures Page 14, Lines 11-13 – Pricing figures	See Wong Dec. ¶¶ 4, 5 Omnibus Motion to Seal at Section III.A	GRANTED

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Widman Declaration in Support of Intuitive's Opposition to Class Certification	Dkt. 288.2	Dkt. 289.2	Wong Dec., Dkt. 304.2	Intuitive	Page 3, paragraphs 2 and 3 – Specific settlement amounts	See Wong Dec. ¶¶ 4, 5 Omnibus Motion to Seal at Section III.A	GRANTED
Widman Declaration, Ex. 1	Dkt. 288.3	Dkt. 289.3	Wong Dec., Dkt. 304.2	Intuitive	Full document – settlement negotiations and prices	See Wong Dec. ¶¶ 4, 5 Omnibus Motion to Seal at Section III.A	GRANTED
Bass Dec. Ex. 1 - Expert Rebuttal Report of James W. Hughes	Dkt. 288.5	Dkt. 289.4	Wong Dec., Dkt. 304.2	Intuitive	Table of Contents, PDF Page 5 - Customer identities Page 5, paragraph 16 - Pricing figures Page 15, n.28 - Customer identities Page 16, Figure 5 - Pricing figures Page 20, Figure 8 - Customer identity Page 22, Figure 10 and n.37 - Pricing figures, customer identities and specific customer prices	See Wong Dec. ¶ 4 Omnibus Motion to Seal at Section III.A	GRANTED

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6						identities		
7						Page 25, ns.43,		
8						44 – Pricing strategy,		
9						customer		
						identities		
10						Page 29,		
11						paragraphs 38 and 40 –		
12						Pricing figures, customer		
						pricing		
13						agreements		
14						Page 31, n.62 –		
15						Customer identities		
						Page 33, paragraph 48 –		
16						Pricing strategy		
17						Page 34,		
18						paragraph 51,		
19						52 and n. 74, 75, 76, 77 –		
						Customer identities and		
20						customer		
21						pricing agreements		
22								
						Page 53, n. 128 – Customer		
23						pricing agreement		
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25						Page 54, paragraph 88 –		
26						Pricing figures		
						Page 55,		
27						paragraph 88 and n. 136 –		
28						Pricing figures		

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6 7						Page 59, paragraph 95 – Pricing figures and customer		
8						identity		
9						Page 60, paragraph 95		
10						and notes 146, 147, 148 –		
11						Pricing figures and customer		
12						identities		
13						Page 63, Table 1 – Pricing figures and		
14						customer identities		
15						Page 65,		
16						paragraph 97 and ns. 153,		
17 18						154, 155 – Pricing figures and Customer		
19						identities		
20						Page 76, Figure 20 – Pricing figures		
21						Page 88, n.211		
22						- Customer identities		
23						Page 89, paragraph 132		
2425						and n. 212, 213, 214 – Customer identities		
26						Page 90,		
27						paragraph 133, and n. 216 – Customer		
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6							pricing figures		
7							Page 91, paragraph 134 –		
8							Customer identities and		
9							pricing figures		
10							Page 92, Table		
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							identities and		
14							pricing figures		
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17							225, and 226 – Customer		
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19							Page 96, n.229 – Customer		
20							identity Page 102,		
21							paragraph 146		
							and n.256 – Customer		
22							identities		
23							Page 125, list nos. 297, 300 –		
24							Customer		
25							identities		
26							Page 126, Table 3 – Pricing		
							figures and		
27							customer identities		
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					Page 129, n.259 - Customer identities Page 130, Figure 21 - Pricing figures Page 131, Figure 22 - Pricing figures Page 132, Figure 23 - Pricing figures		
					Page 133, Figure 24 – Pricing figures Page 134, Figure 25 – Pricing figures		
					Page 135, Figure 26 – Pricing figures		
Bass Dec. Ex. 4 - Intuitive- 00372053 - Intuitive- 00372055	Dkt. 288.8	Dkt. 289.5	Wong Dec., Dkt. 304.2	Intuitive	Full – pricing strategy	See Wong Dec. ¶ 4 Omnibus Motion to Seal at Section III.A	GRANTED
Bass Dec. Ex. 7 - Intuitive- 00091682 - Intuitive- 00091687	Dkt. 288.11	Dkt. 289.8	Wong Dec., Dkt. 304.2	Intuitive	Page 2 – Customer identity and pricing figures	See Wong Dec. ¶ 4 Omnibus Motion to Seal at Section III.A	GRANTED
Bass Dec. Ex. 15 - Intuitive- 00107443 – Intuitive- 00107451	Dkt. 288.19	Dkt. 289.13	Wong Dec., Dkt. 304.2	Intuitive	Intuitive- 0010747 – Business goals Intuitive- 00107448 – Customer identity	See Wong Dec. ¶ 4 Omnibus Motion to Seal at Section III.A	GRANTED

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Glubiak Dec. Ex. 1 - Corrected Class Certification Expert Report of Elhauge	Dkt. 296.2	Dkt. 297.2	Wong Dec., Dkt. 304.2	Intuitive	Intuitive- 00107449 – Customer identity, Pricing figure Intuitive - 00107450 – Customer identity, Pricing figure Intuitive - 00107451 – Customer identity, Pricing figures Filed previously in Class Certification briefing as Ex. 1 to the Declaration of Manuel J. Dominguez. See entry above	See Wong Dec. ¶ 4 Omnibus Motion to Seal at Section III.A	GRANTED
					for Elhauge Class Report		

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Ex. 2 - Hughe Amend	Dkt. 296.3	Dkt. 297.3	Intuiti Wong Dec., Dkt. 304.2	ve Sealing R Intuitive	Filed previously in Class Certification briefing as Ex. 1 to the Declaration of Ashley Bass. See entry above for Hughes Expert Report. Except that due to amendment, the entry for Page 125, list nos. 297, 300 should be Page 125, list nos. 298, 301 for the Hughes Amended Report – Customer
Glubia Ex 3 – Elhaug Reply	Dkt. 296.4	Dkt. 297.4	Wong Dec., Dkt. 304.2	Intuitive	identities Page 12, paragraph 29 – Pricing figures Page 15, paragraph 36 and n. 44 – Pricing figures Page 16, Table 29, paragraph 37 – Pricing figures Page 17, Table 30 – Pricing figures Page 18, Table 32 – Pricing figures

Document or title or description	Dkt. of publicly- filed version	Dkt. of sealed version	Dkt. of decl. in support of sealing	Party seeking sealing	Sealing sought	Brief statement of reason for sealing (with citation to corresponding declaration in support of sealing)	Granted/ Denied (leave blank)
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Glubiak Dec. Ex. 2 - James Hughes Amended Expert Report	Dkt. 296.3	Dkt. 297.3	Wong Dec., Dkt. 304.2	Intuitive	Filed previously in Class Certification briefing as Ex. 1 to the Declaration of Ashley Bass. See entry above for Hughes Expert Report. Except that due to amendment, the entry for Page 125, list nos. 297, 300 should be Page 125, list nos. 298, 301 for the Hughes Amended Report – Customer identities	See Wong Dec. ¶ 4 Omnibus Motion to Seal at Section III.A	GRANTED
Glubiak Dec. Ex 3 – Elhauge Reply Report	Dkt. 296.4	Dkt. 297.4	Wong Dec., Dkt. 304.2	Intuitive	Page 12, paragraph 29 – Pricing figures Page 15, paragraph 36 and n. 44 – Pricing figures Page 16, Table 29, paragraph 37 – Pricing figures Page 17, Table 30 – Pricing figures Page 18, Table 32 – Pricing figures	See Wong Dec. ¶ 4 Omnibus Motion to Seal at Section III.A	GRANTED

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6							33 – Pricing figures		
7							Page 20, Table 34 – Pricing		
9							figures		
10							Page 21, Table 35, Table 36 – Pricing figures		
11							Page 22, Table 37 – Pricing		
12							figures		
13							Page 23, Table 38, 39,		
1415							paragraph 46, and n. 63 – Pricing figures		
16							Page 24,		
17							paragraph 48 – Pricing figures		
18							Page 25, Table 40 – Pricing		
19							figures		
20							Page 26, Table 41 – Pricing		
21							figures		
22							Page 27, Table 42 – Pricing figures		
23							Page 29, Table		
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10						Page 55 – Pricing figures		
11						and customer identities		
12						Page 59 –		
13						Pricing figures and customer identities		
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15						Page 61 – Pricing figures and customer		
16						identities		
17						Page 63 – Pricing figures		
18						and customer identities		
19						Page 64 –		
20						Pricing figures, customer		
21						identities		
22						Page 65, paragraph 105 and n. 214 –		
23						Pricing figures,		
24						customer identity		
25						Page 69,		
26						paragraph 113, 114, and n. 232 – Pricing and		
27						margin figures		
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1 2	Document or title or description	Dkt. of publicly-filed	Dkt. of sealed version	Dkt. of decl. in support	Party seeking sealing	Sealing sought	Brief statement of reason for sealing (with	Granted/ Denied (leave
3	acceptance.	version	, 02 52 022	of sealing	, sewanag		citation to corresponding	blank)
4							declaration in support of	
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3					ve bearing i	Page 70,		
6						paragraph 116 – Pricing figures		
7						Page 76,		
8						paragraph 127 and n. 275 –		
9						Pricing figures		
10						Page 84, paragraph 142 –		
11						Customer		
						identities, Pricing figures		
12						Page 87,		
13						paragraph 148,		
14						149, and n. 345 – Pricing		
						figures,		
15						customer identities		
16						Page 90,		
17						paragraph 154,		
18						and n. 361 – Customer		
						identities, Pricing figures		
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20						Page 94, paragraph 161 –		
21						Pricing figures		
22						Page 95, paragraphs 162,		
23						163 and n.389 -		
						Pricing figures		
24						Page 97, paragraph 166,		
25						and 167 –		
26						Pricing figures Page 98,		
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					Pricing figures		
Glubiak Dec. Ex. 6 – Mark Early Declaration	Dkt. 296.7	Dkt. 297.6	Wong Dec., Dkt. 304.2	Intuitive	Full document – settlement negotiations and amounts	See Wong Dec. ¶¶ 4, 5 Omnibus Motion to Seal at Section III.A	GRANTED
Hospital Plaintiffs' Response to Defendant Intuitive Surgical, Inc.'s Objection to Certain Class Certification Reply Evidence	Dkt. 301.1	Dkt. 300.2; Dkt. 313	Wong Dec., Dkt. 304.2	Intuitive	Partial Pg. 5, lines 3-11	See Wong Dec. ¶ 5 Omnibus Motion to Seal at Section III.B	GRANTED

Document or title or description	Dkt. of publicly- filed version	Dkt. of sealed version	Dkt. of decl. in support of sealing	Party seeking sealing	Sealing sought	Brief statement of reason for sealing (with citation to corresponding declaration in support of sealing)	Granted/ Denied (leave blank)
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Ex. 1 to the Declaration of Manuel J. Dominguez (Elhauge Class Report)	Dkt. 267.2	Dkt. 268.2	Weingard Decl., Dkt. 304.3	Third- party Asensus Surgical , Inc.	Footnotes 606, 890, 921, and 1537 and in the body of the Elhauge Class Report to which those footnotes refer.	See Weinguard Dec.	GRANTED
Glubiak Dec. Ex. 1 - Corrected Class Certification Expert Report of Elhauge	Dkt. 296.2	Dkt. 297.2	Weingard Decl., Dkt. 304.3	Third- party Asensus Surgical , Inc.	Filed previously in Class Certification briefing as Ex. 1 to the Declaration of Manuel J. Dominguez.	See Weinguard Dec.	GRANTED

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					See entry above for Elhauge Class Report				

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Ex. 1 to the	Dkt. 267.2	Dkt. 268.2		Third-	Restore's	This material was	GRANTED
Declaration				party	Highly	sealed previously	
of Manuel				Restore	Confidential information	in the Corrected	
J. Dominguez (Elhauge				Robotics	appears in the	Elhauge Report (see Parker Decls.	
Class					Elhauge Class	at Dkt. No. 166	
Report)					Report in	and 144)	
(Report)					footnotes 124,	and 144)	
					127, 762, 769,		
					770, 771, 839,		
					864, 900, 1014,		
					1025, 1068,		
					1110, 1114,		
					1194, 1224,		
					1230, 1242,		
					1587, and 1805,		
					and in the body		
					of the Elhauge		
					Class Report to		
					which those		
					footnotes refer.		
					These sections		
					are identical to		
					previously sealed sections		
					of the Corrected		
					Elhauge Report		
					(see Omnibus		
					Sealing Order at		
					Dkt. No. 246)		
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			Restore Ro		ng Requests		
Ex. 1 to the Declaration of Manuel J. Dominguez (Elhauge Class Report)	Dkt. 267.2	Dkt. 268.2		Third- party Restore Robotics	Restore's Highly Confidential information appears in the Elhauge Class Report in footnotes 124, 127, 708, 1110, 1114, 1230, 1199, 1075, 1224, 1226, 1227, 1229, 1231, 1585, 1586, 1587, 1588, and 1805, and in the body of the Elhauge Class Report to which those footnotes refer. These sections are identical to previously sealed sections of the Elhauge Reply Report (see Omnibus Sealing Order at Dkt. No. 246) Filed previously	This material was partially sealed previously in the Elhauge Reply Report (see Parker Decls. at Dkt. No. 166 and 144)	GRANTED
Corrected Class Certification Expert Report of Elhauge	DKI. 296.2	DKT. 297.2		Third- party Restore Robotics	Filed previously in Class Certification briefing as Ex. 1 to the Declaration of Manuel J. Dominguez. See entry above for Elhauge Class Report	See above.	GKANTED

1 2 3 4	Document or title or description	Dkt. of publicly- filed version	Dkt. of sealed version	Dkt. of decl. in support of sealing	Party seeking sealing	Sealing sought	Brief statement of reason for sealing (with citation to corresponding declaration in support of sealing)	Granted/ Denied (leave blank)
5		I	I	Restore Ro		ng Requests		
6	Ex. 7 to the Declaration of Manuel	Dkt. 267.8	Dkt. 268.4		Third- party Restore	Restore's Highly Confidential	This document was partially sealed previously	GRANTED
7	J. Dominguez				Robotics	information	(see Wong Decl.	
8	(Parnell Rebuttal					appears in the Rebuttal Expert	at Dkt. No. 125; Parker Decl. at	
8	Expert					Report of Dr. T.	Dkt. No. 145;	
9	Report)					Kim Parnell on pp. 119 - 121	Berhold Decl. at Dkt. No. 167;	
10						and 131 - 132.	Parker Decl. at Dkt. No. 172; and	
11							Parker Decl. at Dkt. No. 178)	
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FILER'S ATTESTATION

I, Andrew Lazerow, am the ECF User whose ID and password are being used to file this document. I hereby attest, pursuant to N.D. Cal. Civil L.R. 5-1(i)(3), that the concurrence to the filing of this document has been obtained from each signatory hereto.

DATED: April 25, 2025

<u>/s/Andrew Lazerow</u> Andrew Lazerow